

GAHC010037612023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : AB/568/2023**

ANSER ALI  
S/O LT. AZAHAR ALI  
R/O HATIPARA  
P.S. CHHAYGAON  
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR F HAQUE**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**10-03-2023**

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the accused-petitioner, namely, **Anser Ali**, in connection with **Khetri Police Station Case No. 189 of 2022**, registered under **Sections 457/380/411/34 of the I.P.C.**

Heard Mr. F. Haque, learned counsel for the petitioner and Mr. D. Das, learned Additional Public Prosecutor, representing the State respondent.

The case diary produced has been perused.

It is submitted by the learned counsel for the petitioner that he is innocent and in no way involved with the offence alleged. The learned counsel for the petitioner also submits that the police are searching for the petitioner only because of the fact that one Bolero car was recovered from the campus of the present petitioner, which was used by his son-in-law for his personal purpose. Further, it is submitted that at the relevant point of time, the petitioner was not at home, but he was called at Khetri Police Station. Thus, there is serious apprehension of his arrest and, hence, the present petition is filed seeking anticipatory bail by the petitioner. Further, it is submitted that the other co-accused persons have already been arrested in connection with this case and the areca nut, which is alleged to have been theft, has already been recovered by police and there may not be any necessity for custodial interrogation of the present petitioner. More so, he is ready to co-operate with the investigation of the case if he is granted the privilege of pre-arrest bail.

In this context, the learned Additional Public Prosecutor has raised objection and submits that there are sufficient incriminating materials in the case diary against the present petitioner. He is the main culprit and gang leader of the offence alleged. Further, he is not only wanted in the present case, but also involved in many other similar kind of cases.

More so, from the statement of the co-accused as well as other witnesses, it also reveals that the present accused-petitioner is the mastermind of the entire theft alleged to have been committed and he is fully associated with the theft of

areca nut. The statement of the witnesses also reveals that he came to the place of occurrence prior to the commission of theft, by his own Bolero Car and committed the offence along with his other associates.

Accordingly, it is submitted by the learned Additional Public Prosecutor that considering the nature and allegation of offences as well as the previous criminal antecedents of the present petitioner, his custodial interrogation will be necessary in the interest of just and proper investigation of the case.

After hearing both sides, I have perused the case diary and it reveals that the Investigating Police Officer has already collected sufficient incriminating materials against the petitioner. Considering the nature of allegation against the present petitioner, I find that the custodial interrogation of the petitioner will be necessary for proper investigation of this case and also to book the other culprits, if any.

In view of above, I do not find any ground to extend the privilege of pre-arrest bail to the petitioner. Accordingly, the prayer for pre-arrest bail made by the petitioner is **rejected**.

The petition stands disposed of accordingly.

Return the case diary.

**JUDGE**

**Comparing Assistant**